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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14

15 IN RE: SOCIAL MEDIA ADOLESCENT
16 ADDICTION/PERSONAL INJURY
17 PRODUCTS LIABILITY LITIGATION,

Case No. 4:22-MD-03047-YGR

MDL No. 3047

18 This Document Relates to:

19 Tucson Unified School District v. Meta
20 Platforms Inc., et al.

21 Case No.: 4:24-cv-1382

**PLAINTIFF'S RESPONSE IN
OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT
(TUCSON) (SD MSJ NO. 2)**

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

22 Date: January 26, 2026

23 Time: 8:00 AM

PLACE: COURTROOM 1, 4TH FLOOR

TABLE OF CONTENTS

I.	BACKGROUND	1
II.	ARGUMENT	1
A.	TUSD’s evidence shows that Defendants caused TUSD’s harm and unreasonably interfered with its rights.	1
1.	Defendants’ conduct has substantially contributed to widespread disruption and related harms to TUSD.	2
2.	Defendants disregard evidence and mischaracterize the law.....	7
B.	TUSD has presented sufficient evidence of damages.....	8
1.	TUSD’s evidence provides a reasonable basis for lost-time damage.	8
2.	TUSD has presented sufficient evidence of additional costs.....	11
C.	Dr. Hoover’s Strategic Plan is an appropriate remedy under Arizona law.....	12
D.	TUSD has sufficient evidence of Defendants’ failure to warn.	13
1.	Evidence demonstrates TUSD would have acted on appropriate warnings.	13
III.	CONCLUSION.....	14

TABLE OF AUTHORITIES

CASES

<i>A. Miner Contracting, Inc. v. Toho-Tolani Cnty. Imp. Dist.</i> , 311 P.3d 1062 (Ariz. Ct. App. 2013)	11
<i>Ader v. SimonMed Imaging Inc.</i> , 465 F. Supp. 3d 953 (D. Ariz. 2020)	10
<i>AHS Rescue, LLC v. Ariz. Outdoor Specialists, Inc.</i> , 2019 WL 993093 (Ariz. Ct. App. Feb. 27, 2019)	11
<i>Badia v. City of Casa Grande</i> , 988 P.2d 134 (Ariz. Ct. App. 1999)	7
<i>Barrett v. Harris</i> , 86 P.3d 954 (Ariz. Ct. App. 2004)	1
<i>Boyce v. Indep. Brewers United Corp.</i> , 2016 WL 374206 (N.D. Cal. Feb. 1, 2016)	8
<i>Bozek v. Ariz. Lab. Force Inc.</i> , 2025 WL 264174 (D. Ariz. Jan. 22, 2025)	8
<i>Brown v. City of Phoenix</i> , 557 P.3d 321 (Ariz. Ct. App. 2024)	13
<i>Cactus Corp. v. State ex rel. Murphy</i> , 480 P.2d 375 (Ariz. Ct. App. 1971)	13
<i>City of Phoenix v. Whiting</i> , 457 P.2d 729 (Ariz. Ct. App. 1969)	2
<i>Earle M. Jorgensen Co. v. Tesmer Mfg. Co.</i> , 459 P.2d 533 (Ariz. Ct. App. 1969)	11
<i>Gilmore v. Cohen</i> , 386 P.2d 81 (Ariz. 1963)	8, 10
<i>Grafitti-Valenzuela ex rel. Grafitti v. City of Phoenix</i> , 167 P.3d 711 (Ariz. Ct. App. 2007)	7
<i>Griffey v. Magellan Health Inc.</i> , 562 F. Supp. 3d 34 (D. Ariz. 2021)	8
<i>Harrelson v. Dupnik</i> , 970 F. Supp. 2d 953 (D. Ariz. 2013)	1
<i>Hinshaw v. United States</i> , 264 F. Supp. 3d 1026 (D. Ariz. 2017)	1
<i>In re Bill Johnson's Restaurants, Inc.</i> , 255 F. Supp. 3d 927 (D. Ariz. 2017)	2
<i>Mutschler v. City of Phoenix</i> , 129 P.3d 71 (Ariz. Ct. App. 2006)	2
<i>Oliver v. Henry</i> , 260 P.3d 314 (Ariz. Ct. App. 2011)	10
<i>PivotHealth Holdings LLC v. Horton</i> , 2025 WL 1865788 (D. Ariz. July 7, 2025)	8
<i>Pompeneo v. Verde Valley Guidance Clinic</i> , 249 P.3d 1112 249 P.3d 1112, 1116 (Ariz. Ct. App. 2011)	10
<i>Quinalty v. FocusIT LLC</i> , 2024 WL 342454 (D. Ariz. Jan. 30, 2024)	8
<i>Robertson v. Sixpence Inns of Am., Inc.</i> , 789 P.2d 1040 (Ariz. 1990)	2
<i>Rollings v. City of Tucson</i> , 2007 WL 5556969 (Ariz. Ct. App. Dec. 24, 2007)	2

1	<i>Salica v. Tucson Heart Hosp.–Carondelet, L.L.C.</i> , 231 P.3d 946 (Ariz. Ct. App. 2010).....	7
2	<i>Shaner v. Tucson Airport Auth. Inc.</i> , 573 P.2d 518 (Ariz. Ct. App. 1977).....	7
3	<i>State ex rel. Indus. Comm’n v. Standard Oil Co. of Cal.</i> , 414 P.2d 992 (Ariz. Ct. App. 1966)	7
4	<i>Surowiec v. Cap. Title Agency, Inc.</i> 790 F. Supp. 2d 997 (D. Ariz. 2011).....	8, 10
5	<i>VFD Consulting, Inc. v. 21st Servs.</i> , 425 F. Supp. 2d 1037 (N.D. Cal. 2006).....	7

I. BACKGROUND

Established in 1867, Tucson Unified School District (“TUSD”) is Arizona’s second-largest public district, operating more than 80 schools. For over 150 years, it has served one of the State’s most racially and economically diverse student populations—roughly 80% students of color, the majority Hispanic, and more than half qualifying for financial assistance. Defendants seek to evade their responsibility for TUSD’s harms by pointing to that diversity and to systemic challenges such as poverty, community violence, and racial segregation. But the law says otherwise: under the “eggshell plaintiff” rule, a defendant takes the victim as found. Vulnerability magnifies harm, it does not absolve responsibility.

TUSD’s students were especially vulnerable to the harms Defendants’ platforms caused—compulsive use by students leading to classroom distraction, emotional dysregulation, escalating mental-health needs, and harm to the school environment. Defendants knew these risks but failed to warn about them. Indeed, Defendants’ internal research showed that school-aged users, particularly in high-need districts, were suffering the same harms their platforms caused in TUSD. Rather than warn about or remove those dangers, Defendants prioritized engagement and profit over the wellbeing of students and the stability of schools, causing foreseeable harm to TUSD. Defendants’ conduct disrupted school operations, undermined learning, damaged student wellbeing, and forced TUSD to divert staff and resources from its educational mission. That substantial, systemic, and ongoing interference is exactly the kind of unreasonable disruption of public rights that gives rise to liability under public nuisance law.

II. ARGUMENT

A. TUSD’s evidence shows that Defendants caused TUSD’s harm and unreasonably interfered with its rights.

Defendants’ wrongful conduct breached their duty of care and created a substantial interference with the public rights to health, safety, and education, as set out in Pls. Omni Opp. § III.A. TUSD’s evidence demonstrates both proximate causation and unreasonable interference—core elements of its negligence and public nuisance claims, respectively.

“Causation is generally a question of fact for the jury unless reasonable persons could not conclude that a plaintiff had proved this element.” *Hinshaw v. United States*, 264 F. Supp. 3d 1026, 1036 (D. Ariz. 2017) (precluding summary judgment on causation issue) (citing *Barrett v. Harris*, 86 P.3d 954, 958 (Ariz. Ct. App. 2004)); *Harrelson v. Dupnik*, 970 F. Supp. 2d 953, 976 (D. Ariz. 2013) (same).

1 “Plaintiff need only present probable facts from which the causal relationship reasonably may be
2 inferred.” *Robertson v. Sixpence Inns of Am., Inc.*, 789 P.2d 1040, 1046–47 (Ariz. 1990).

3 Causation for a negligence claim under Arizona law requires “proximate causation.” *In re Bill*
4 *Johnson’s Rests., Inc.*, 255 F. Supp. 3d 927, 936 (D. Ariz. 2017). “[F]or a negligent act to amount to
5 proximate cause, it must be a substantial factor in bringing about the injury,” *id.*, but “the defendant’s
6 act or omission need not be a ‘large’ or ‘abundant’ cause of the injury; even if defendant’s conduct
7 contributes ‘only a little’ to plaintiff’s damages, liability exists if the damages would not have occurred
8 but for that conduct.” *Robertson*, 789 P.2d at 1046–47.

9 Proximate cause is not a requirement with respect to TUSD’s nuisance claim, and the Court
10 should reject Defendants’ argument otherwise. *See* ECF No. 2290 (Defendants’ Motion for Summary
11 Judgment (Tucson) (SD MSJ No. 2)) (“Motion” or “Mot.”) at 15. Defendants rely solely on a 1969
12 appellate decision concerning a jury instruction—*City of Phoenix v. Whiting*, 457 P.2d 729, 735–36
13 (Ariz. Ct. App. 1969)—which the court itself described as questionable despite ultimately holding the
14 instruction was not “reversible error.” More recent authority confirms that nuisance and negligence are
15 distinct theories: in *Rollings v. City of Tucson*, 2007 WL 5556969, at *3 (Ariz. Ct. App. Dec. 24, 2007),
16 the court held it was error to link the two, because a nuisance plaintiff “needn’t prove negligence” but
17 only that the defendant’s conduct invaded the plaintiff’s rights and caused damage. Consistent with this
18 precedent, Arizona law requires a nuisance plaintiff to show an *unreasonable interference* with a public
19 right, not proximate cause. *Mutschler v. City of Phoenix*, 129 P.3d 71, 77 (Ariz. Ct. App. 2006).

20 In any event, the same evidence supports the proximate causation and unreasonable interference
21 elements of TUSD’s two claims. Defendants’ conduct led to students’ compulsive or problematic use of
22 Defendants’ platforms. This foreseeably disrupted TUSD’s educational environment, impairing
23 instruction and forcing the diversion of staff and resources to manage resulting harms. The evidence
24 discussed below is more than enough to create a genuine dispute of material fact concerning Defendants’
25 causation of TUSD’s injuries and its substantial and unreasonable interference with the public right to
26 education, health, and safety. Defendants’ motion for summary judgment should be denied.

27 **1. Defendants’ conduct has substantially contributed to widespread disruption**
28 **and related harms to TUSD.**

As discussed in Plaintiff’s omnibus response, youth use of Defendants’ platforms is pervasive.

1 TUSD is no exception.¹ The record establishes that TUSD students’ use of Defendants’ platforms—both
 2 on campus generally and in classrooms—is widespread, problematic, and highly disruptive. TUSD’s
 3 Superintendent, Dr. Gabriel Trujillo, described student social media use as “pervasive.” Ex. 1 at 188:3–
 4 21. Ms. Julie Shivanonda, TUSD’s former Director of Social Emotional Learning (“SEL”), testified that
 5 incidents involving “cellphones and social media” have “consistently increased” in recent years, Ex. 2
 6 at 241:20–242:5, and that she has observed a “growing problem of addictive, compulsive, and
 7 problematic social media use among [TUSD] students.” Ex. 3 at ¶ 8; *see* Ex. 4 at 79:14–80:2 (“phones
 8 are pervasive in [the TUSD] community”). Student input during revisions to the Student Code of
 9 Conduct confirmed that “there’s a high use of cellphones, and the majority of the use from the cellphones
 10 is engaging in social media platforms.” Ex. 4 at 80:3–83:22.

11 Ms. Clarinda Rubio, a 27-year TUSD veteran and current high school administrator, confirmed
 12 the same pattern. At her prior K–8 school, “students on their phone constantly was definitely an issue,”
 13 staff “collected anywhere from 10 to 20 phones on a daily basis from students,” and teachers routinely
 14 observed students using social media during class. Ex. 5 at 134:2–19, 135:20–136:6, 44:8–13; *see also*
 15 *id.* at 128:23–129:3 (phone confiscation a “hot topic” among staff). School administrators have
 16 repeatedly raised the issue with parents: in 2019, Santa Rita High School warned that “cellphone use has
 17 becom[e] a distracti[on], and the classroom teachers are finding it difficult to have [students] focus on
 18 work.” Ex. 6 at -1269; *see also* Ex. 7 at -7233-34 (principal and parent acknowledging “major
 19 distraction” of student cellphones in classrooms).

20 Defendants may argue that this demonstrates that smartphones or the internet generally (not their
 21 platforms) are the problem, *see* Mot. at 21-24, but that is wrong. *First*, as discussed in Plaintiffs’ omnibus
 22 response, Defendants’ platforms are wildly popular with school-aged youth, a state of the world
 23 Defendants went out of their way to ensure.

24 *Second*, TUSD witnesses confirmed that when problems arise with cellphones, the cause is social
 25 media use—not internet browsing or texting. For instance, Ms. Shivanonda testified that “the majority
 26

27
 28 ¹ TUSD’s use of Defendants’ platforms to communicate with its stakeholders does not undermine its
 claims, as Defendants suggest. Mot. at 4-5. TUSD uses those platforms because that’s “where [TUSD
 students] are, that’s where they spend their time.” Ex. 8 at 151:2-7; *see also* Ex. 4 at 187:2-13 (same).

1 of the use from the cellphones is engaging in social media platforms,” and that students “report that they
 2 don’t generally use SMS text, they text via Instagram or via Facebook.” Ex. 4 at 80:3–83:22, 150:22–
 3 151:18; *see* Ex. 3 at ¶ 11 (“impacts of social media on students’ wellbeing are unique to social media”
 4 and not observed from general cellphone use). Ms. Rubio similarly testified that “the majority of the
 5 time” when a phone is confiscated, it “was linked to social media.” Ex. 5 at 86:13–24 (social media is
 6 “brought up on all of our conversations ... why was a phone confiscated”). She also testified that even
 7 “very, very young [TUSD] children” are active on social media, Ex. 5 at 105:21–23—even though all
 8 Defendants claim they bar users under the age of 13. *See* Pls. Omni Opp. § III.A.2 (age verification §§).

9 Documented incidents in TUSD secondary schools for “Improper Use of Technology”—a
 10 disciplinary category often involving cellphones and social media—have surged from seven in 2016–17
 11 to 155 in 2023–24. Ex. 9 at –5959; *see* Ex. 2 at 227:17–228:20 (“90 to 95 percent” of such violations
 12 involve cellphones and social media). Overall disciplinary incidents likewise rose from 3,994 in 2016–
 13 17 to 10,787 in 2023–24, with 70 to 75 percent connected to social media use. Ex. 9 at –5959; Ex. 2 at
 14 228:21–25. Ms. Shivanonda testified that social media is the “through line through most of [TUSD’s]
 15 discipline” and can contribute to multiple categories of violations. Ex. 4 at 46:23–47:25, 48:25–49:3
 16 (“majority of our discipline practices are somehow connected to the use of social media”).²

17 Indeed, during monthly discipline meetings, staff routinely discussed how social media is
 18 “disrupting the learning environment [and] causing disrespect” toward teachers. Ex. 5 at 78:19–25.³
 19 These incidents not only interfere with students’ education but also consume substantial staff time. Ex.
 20 2 at 333:12–25 (teachers “constantly” dealing with “students having cellphones and social media,”
 21 severely taxing the district); Ex. 10 at ¶ 16 (administrators have less time for other duties due to
 22 addressing social media impacts). Nearly all discipline incidents require teachers to pause instruction,
 23

24 ² Defendants suggest that TUSD discipline incidents do not relate to their platforms or only relate to third
 25 party content. Mot. at 5-6, 18. That misrepresents the evidence and is belied by TUSD witness testimony.
 26 First, the database Defendants cite, records management and student relations, are not TUSD’s primary
 27 discipline tracking databases. Ex. 4 at 26:16-27:2, 48:1-3, 50:21-52:2. Second, as discussed herein,
 28 Defendants’ platforms promote and encourage students to engage in attention-seeking behavior, e.g.,
 posting school threats and videos of fights. In the specific incident Defendants cite, the student viewing
 school shooting videos did not search for them—they were promoted by YouTube. Ex. 12 at -0418.

³ This and other evidence discussed herein rebuts Defendants’ argument that TUSD never analyzed its
 students’ social media use or its impact, and that TUSD has “no data” on the issue. Mot. at 5, 8.

1 administrators to escort and interview students, and staff to contact parents and implement restorative
2 practices—all of which divert personnel and resources from TUSD’s core educational mission.

3 Beyond classroom disruption, TUSD has experienced a “significant increase” in students’
4 behavioral and social-emotional needs as social media use has risen. Ex. 4 at 66:11–67:9. Ms.
5 Shivanonda testified that TUSD has seen an “increase of anxiety and depression and overall mental
6 health supports needed in our school campuses,” conditions “heavily influenced due to social media.”
7 Ex. 4 at 72:12–17; *see* Ex. 3 ¶ 9 (observing an “alarming rise” in student anxiety and depression tied to
8 social media). Consistent with this testimony, the number of TUSD students identified with an “anxiety”
9 health condition nearly doubled—from 1,948 in 2016–17 to 3,751 in 2023–24. Ex. 11 at -3994–4003.

10 Ms. Shivanonda testified that social media is driving an increased need for mental and behavioral
11 support across TUSD. Ex. 4 at 73:4–16. She further explained that social media undermines students’
12 ability to regulate emotions and problem-solve, and contributes to an “increase of anxiety, depression,
13 [and] social isolation.” *Id.* at 136:13–137:25; *see also* Ex. 2 at 267:23–268:6 (“we’re seeing a high
14 increase in anxiety and depression due to social media and cellphone usage” and reduced real-world
15 interaction). Ultimately, “social media’s impact [on students] directly impacts [their] social-emotional
16 growth,” Ex. 2 at 353:24–354:15, requiring expanded SEL programming and mental health services.
17 These impacts impose direct financial costs on TUSD and demonstrate that Defendants’ conduct, not
18 isolated incidents involving third party content, caused widespread and ongoing harm to TUSD.

19 *Third*, TUSD witnesses identified Defendants’ specific platforms as the source of disruption. Ms.
20 Shivanonda testified that “the majority” of disciplinary incidents involving social media “connect[ed]
21 with platforms such as Facebook and Instagram.” Ex. 4 at 85:22–86:13. Ms. Rubio testified that TikTok,
22 Instagram, and Snapchat are the platforms most often involved in student misconduct. Ex. 5 at 82:15–
23 21. She described, for example, incidents of “tardiness and trancies” caused by students “creating their
24 videos for their TikToks” instead of attending class. Ex. 5 at 42:22–43:5. She observed the “constant
25 notifications” and “constant dinging” from cell phones—triggered by the amplification of “receiving a
26 lot of comments or follows or likes,” mostly on TikTok and Instagram. Ex. 5 at 44:17–45:13. Regional
27 Superintendent Brian Lambert echoed this testimony, explaining that his discussions with students and
28 families repeatedly involve the same platforms—Instagram, Snapchat, and TikTok. Ex. 13 at 142:6–22;

1 *see also* Ex. 1 at 168:19–169:13, 172:11–173:5 (discussing disruptive incidents involving TikTok,
 2 Snapchat, and Instagram); Ex. 14 at 46:9–48:23 (discussing Instagram, Snapchat, TikTok, and
 3 YouTube); Ex. 15 at 188:22–190:5 (substantial work with SEL curriculum to help address students’
 4 needs resulting from use of social media, specifically TikTok, Instagram, YouTube, and Snapchat).

5 Defendants seek to avoid liability by claiming there is no evidence that certain features of their
 6 platforms contributed to TUSD’s harm. Mot. at *passim*. That argument rests on a misunderstanding of
 7 the law of this case—all platform features are relevant as part of TUSD’s “failure to warn” theory. *See*
 8 Pls. Omnibus Opp. § III.A.1.a. Further, Defendants ignore the factual record and expert testimony
 9 detailed in Plaintiffs’ omnibus opposition brief. And TUSD witnesses themselves provided examples of
 10 features driving students’ compulsive and problematic use. Ms. Rebecca Carrier, TUSD’s counselor
 11 coordinator for secondary schools, testified that middle, high school, and even elementary school girls
 12 exhibit unhealthy behavior tied to the number of “likes” they receive on social media, and that she has
 13 seen the direct impact of social media filters on body dysmorphia for TUSD students. Ex. 8 at 108:10–
 14 109:13, 202:18–203:7, 166:25–167:11 (TUSD counselors have organized groups for TUSD students
 15 struggling with body dysmorphia). Ms. Rubio similarly observed students repeatedly “checking their
 16 streaks” and monitoring whether their posts had received “likes and comments.” Ex. 5 at 43:22–44:4.
 17 She also noted that students can “create as many [social media] accounts as they want,” causing increased
 18 disruption. Ex. 5 at 88:1–22. These problems are worsened by the absence of effective parental controls
 19 or age verification. Ms. Shivanonda testified that features such as “likes,” “love,” “reposts,” and
 20 “reshares” drive students’ compulsive engagement, explaining that these tools “make students want to
 21 engage and get the likes and get the clout.” Ex. 4 at 135:9–136:3. Defendants have furnished *no* evidence
 22 that they warned TUSD, or the students and parents in its community, about any of these risks.⁴

23 On this record, a reasonable jury could find that Defendants’ platforms and their lack of warnings
 24

25 _____
 26 ⁴ Defendants also suggest that TUSD-issued devices are the problem. Mot. at 23 (“students refusing to
 27 put away devices is often linked to *Tucson-issued* devices”). First, the device TUSD students use to
 28 access Defendants’ platforms is irrelevant: the harms caused by the platforms exists regardless of the
 device. Second, the cited incident involved a student that “had very severe reactions to the restriction or
 limitation or removal of technology” and became physically aggressive when a device was taken from
 him. That only underscores the addiction problem, which the evidence discussed herein and in Plaintiffs’
 omnibus opposition demonstrates is due to Defendants’ conduct.

1 substantially contributed to TUSD’s harm. The evidence shows those platforms are the primary drivers
 2 of classroom disruption, escalating discipline, staff diversion, and rising student mental-health needs at
 3 TUSD. This record squarely attributes TUSD’s injuries primarily to Defendants’ conduct—not third-
 4 party content, general internet use, or hypothetical third-party apps—and precludes summary judgment
 5 on TUSD’s negligence and public-nuisance claims.

6 **2. Defendants disregard evidence and mischaracterize the law.**

7 Defendants’ claim that TUSD lacks “competent” causation evidence ignores the record and
 8 misstates the law. TUSD raises two points in addition to those presented in Plaintiffs’ omnibus
 9 opposition briefs. *First*, Arizona law requires only that a plaintiff present evidence—not a specific type
 10 of evidence—from which a jury could reasonably infer causation, and TUSD has done so. *See Salica v.*
 11 *Tucson Heart Hosp.–Carondelet, L.L.C.*, 231 P.3d 946, 952 (Ariz. Ct. App. 2010) (finding testimony
 12 other than the type typically relied on “sufficient to establish both a breach of the standard of care and
 13 causation”). TUSD’s evidence, discussed herein, provides sufficient evidence from which a jury could
 14 find that Defendants’ conduct contributed to TUSD’s harm.

15 *Second*, the Arizona cases Defendants cite do not support summary judgment. Unlike the
 16 plaintiffs in those cases, TUSD has presented evidence that Defendants knew of their platforms’ harmful
 17 effects on youth, exploited children’s underdeveloped impulse control, and caused significant,
 18 observable harm in TUSD schools. *See Grafitti-Valenzuela ex rel. Grafitti v. City of Phoenix*, 167 P.3d
 19 711, 718-19 (Ariz. Ct. App. 2007) (no foreseeability when plaintiff failed to show that abductor relied
 20 on alleged defective conditions); *Badia v. City of Casa Grande*, 988 P.2d 134, 142 (Ariz. Ct. App. 1999)
 21 (no foreseeability when plaintiff failed to present any evidence that police could have known that
 22 victim’s sobriety level or that police custom would cause another to attack victim); *Shaner v. Tucson*
 23 *Airport Auth. Inc.*, 573 P.2d 518, 522 (Ariz. Ct. App. 1977) (no “reasonable probability” that lack of
 24 lighting caused abduction in parking lot when plaintiff provided “no evidence of what happened” there);
 25 *State ex rel. Indus. Comm’n v. Standard Oil Co. of Cal.*, 414 P.2d 992, 996 (Ariz. Ct. App. 1966)
 26 (decedent’s attempt at welding a half-full fuel tank that exploded was not foreseeable by defendant).⁵

27
 28 ⁵ *VFD Consulting, Inc. v. 21st Servs.*, 425 F. Supp. 2d 1037, 1053 (N.D. Cal. 2006) is distinguishable, as
 it was decided under Minnesota law and the plaintiff failed to argue against summary judgment .

B. TUSD has presented sufficient evidence of damages.

Summary judgment is improper where a plaintiff provides “some reasonable basis for computing the amount of damage” with “such precision as, from the nature of his claim and the available evidence, is possible.” *Surowiec v. Cap. Title Agency, Inc.* 790 F. Supp. 2d 997, 1001 (D. Ariz. 2011) (quoting *Gilmore v. Cohen*, 386 P.2d 81, 82 (Ariz. 1963)). “[D]oubts as to the extent of the injury should be resolved in favor of the innocent plaintiff and against the wrongdoer,” and “certainty in amount” is not required once the fact of damage is established. *Id.*; *Gilmore*, 386 P.2d at 82.

1. TUSD’s evidence provides a reasonable basis for lost-time damage.

Defendants’ conduct has caused pervasive disruption and diversion of TUSD’s limited resources, from increased classroom and campus disturbances to expanded behavioral and mental-health demands. TUSD is entitled to recover for this lost time.

As fully explained in Plaintiffs’ omnibus opposition, damages such as lost time are recoverable under Arizona law. The law recognizes that when a defendant’s conduct forces a public entity to divert personnel, time, and resources to address resulting harms, those losses are compensable. Defendants cite cases relating to individuals suing after a data breach⁶, but they are distinguishable because the “lost time” alleged was just the personal inconvenience felt by an individual. Arizona law recognizes as damages loss of an employee’s ability to perform their official functions, which is what TUSD seeks to recover for here. *See PivotHealth Holdings LLC v. Horton*, 2025 WL 1865788, at *2 (D. Ariz. July 7, 2025) (finding damages including “employee time” plausibly alleged as concrete monetary harm).

TUSD has presented more than enough evidence of lost time to defeat summary judgment, especially given that the court “must view the evidence in the light most favorable to the nonmoving party and draw all justifiable inferences in its favor.” *Boyce v. Indep. Brewers United Corp.*, 2016 WL 374206, at *2 (N.D. Cal. Feb. 1, 2016). Specifically, multiple TUSD witnesses attest to staff positions impacted by Defendants’ conduct and the extent of their diverted time. For instance, drawing on 21 years of experience at TUSD, Ms. Shivanonda estimated the percentage of work time that counselors,

⁶ *Griffey v. Magellan Health Inc.*, 562 F. Supp. 3d 34, 45 (D. Ariz. 2021) (individuals alleging lost time and future harm after data breach); *accord Quinalty v. FocusIT LLC*, 2024 WL 342454, at *4 (D. Ariz. Jan. 30, 2024); *Bozek v. Ariz. Lab. Force Inc.*, 2025 WL 264174, at *5 (D. Ariz. Jan. 22, 2025).

1 restorative-practice facilitators, behavior specialists, social workers, school psychologists, and
 2 administrators devote to social-media-related issues. Ex. 4 at 62:24–65:23; Ex. 16, Ex. 1, p.1 (“Support
 3 Staff Chart”); *see also* Ex. 4 at 64:6–65:23 (testifying that this list is conservative). She based these
 4 estimates on regular meetings with counselors, community-health workers, and Multi-Tiered Systems
 5 of Supports (“MTSS”) teams, as well as behavioral and mental-health data reviews. Ex. 3 at ¶ 17; Ex.
 6 17 at 48:22–51:2, 51:22–52:21.⁷ Her estimates are corroborated by other administrators. *See* Ex. 8 at
 7 40:20–41:15 (testimony of Rebecca Carrier, TUSD’s counseling program coordinator, that social-media-
 8 related issues “permeate through most everything we do.”).

9 That’s not all. Dr. Sabrina Salmon, TUSD’s Senior Director of Exceptional Education, has over
 10 15 years in K–12 education and has worked for TUSD since 2016. Ex. 18 at ¶¶ 3–4. Drawing on that
 11 experience, Dr. Salmon provided conservative estimates of the time *her* staff devote to addressing social-
 12 media-related problems. Ex. 18 at ¶ 18. That includes social workers, school psychologists, counseling
 13 interns, psychology interns and externs, and exceptional education and behavior intervention specialists.
 14 Ex. 18 at ¶¶ 6, 18; Ex. 19 at 152:8–154:1, 165:24–166:9; Ex. 16 at Rog. 5 & Ex. 1, p. 1.

15 TUSD has also presented evidence of the time principals and assistant principals at the
 16 elementary, middle, and high school levels spend addressing disruptions and related impacts caused by
 17 Defendants’ conduct. Mr. Lambert, a long-time TUSD employee and Regional Assistant Superintendent
 18 since 2018, oversees principals responding to classroom disruptions, behavioral investigations, and
 19 stakeholder communications caused by Defendants’ platforms. Ex. 20 at ¶¶ 4–5. According to Mr.
 20 Lambert, social media “permeates and exacerbates many, if not most, of the substantial issues” students
 21 face. Ex. 20 at ¶ 6. He provided conservative estimates of the time principals and assistant principals at
 22 each school level spend addressing these issues, Ex. 20 at ¶¶ 16–17; Ex. 21 at 15:1–21:10, 22:9–27:2,
 23 stating that he believes his experience is representative of other TUSD regions. Ex. 20 ¶ 20.

24 Holly Hammel, an educator with 26 years of experience who joined TUSD in 2009 and has
 25 served as Regional Assistant Superintendent since 2018, gave comparable estimates for her region. Ex.
 26 10 at ¶¶ 3–4, 13, 15; Ex. 15 at 169:20–172:23, 173:20–174:8. Like Mr. Lambert, Ms. Hammel oversees
 27

28 ⁷ Contrary to Defendants’ suggestion, Mot. at 10, Ms. Shivanonda’s brief leave in 2020–21 did not
 limit her familiarity with these impacts. Ex. 3 ¶ 4.

principals and regularly confronts the negative effects of Defendants’ platforms, which she views as one of the district’s most persistent challenges. Ex. 10 at ¶¶ 5–6. Ms. Hammel testified that students are increasingly unable to regulate their use of or disengage from these platforms, *id.* at ¶ 7; Ex. 15 at 189:20–190:5, and she believes her experience is representative district-wide. Ex. 10 at ¶ 18.

Expert evidence reinforces these findings. Market-research expert Robert Klein surveyed TUSD secondary teachers and found that instructional time lost to student use of Defendants’ platforms rose from 2.6% to 5.3% for middle-school teachers and from 3.7% to 20.0% for high-school teachers between 2014 and 2023–24. Ex. 22 at ¶¶ 1, 2, 41. Economist Dr. Bryce Ward analyzed TUSD’s and Mr. Klein’s data and concluded that, from 2016–17 through 2023–24, TUSD incurred \$77.4 million to \$100.6 million in lost opportunity costs—including wages and benefits—for time diverted to address the effects of Defendants’ platforms. Ex. 23 at ¶¶ 1, 38. All of this occurred despite TUSD’s extensive mitigation efforts, including Yondr pouches, cellphone lockers, front-office cellphone collection, and parental outreach. *See infra* § III.B.2; Ex. 4 at 146:22–147:8, 162:16–163:13; Ex. 5 at 133:11–18.

As explained in Plaintiffs’ Section 230 Daubert brief, Defendants’ argument that TUSD’s evidence is deficient because some incidents may involve other platforms or Section 230-protected content does not entitle them to summary judgment. There is ample evidence that TUSD’s harms arise from students’ use of Defendants’ platforms, and that evidence should go to a jury.

Finally, Arizona law does not require the mathematical precision Defendants demand. As *Gilmore* holds, “the plaintiff in every case should supply some reasonable basis for computing the amount of damage and must do so *with such precision as, from the nature of his claim and the available evidence, is possible.*” 386 P.2d at 83 (emphasis added). Absolute precision is unnecessary, and “doubts as to the extent of injury should be resolved in favor of the innocent plaintiff.” *Surowiec*, 790 F. Supp. 2d at 1001. Arizona courts and the Ninth Circuit routinely accept reasonable time estimates when exact calculations are impractical. *See Ader v. SimonMed Imaging Inc.*, 465 F. Supp. 3d 953, 966 (D. Ariz. 2020) (estimates of hours worked sufficient to prove overtime claims); *Oliver v. Henry*, 260 P.3d 314, 316 (Ariz. Ct. App. 2011) (rejecting argument that damages required a specific calculation).

Defendants’ cited authorities are inapposite. *Pompeneo v. Verde Valley Guidance Clinic*, 249 P.3d 1112, 1116 (Ariz. Ct. App. 2011), involved a plaintiff who presented *no* evidence of compensable

damages—unlike TUSD, which has produced testimony, responses, and documentation. *Earle M. Jorgensen Co. v. Tesmer Mfg. Co.*, 459 P.2d 533, 539–40 (Ariz. Ct. App. 1969) held that the plaintiff had not presented sufficient evidence of lost profits and noted a lack of “factual basis for the computation.” *AHS Rescue, LLC v. Ariz. Outdoor Specialists, Inc.*, 2019 WL 993093, at *4 (Ariz. Ct. App. Feb. 27, 2019) held that the plaintiff’s unverified disclosure of damages calculations unaccompanied by reliable testimony was insufficient. TUSD’s case is more aligned with *A. Miner Contracting, Inc. v. Toho-Tolani Cnty. Imp. Dist.*, 311 P.3d 1062, 1072–73 (Ariz. Ct. App. 2013), where the court upheld damages supported by itemized explanations and credible estimates.

2. TUSD has presented sufficient evidence of additional costs.

TUSD has presented ample evidence of costs directly attributable to Defendants’ conduct, including personnel, training, and program expenditures. These damages need not be caused exclusively by Defendants’ narrow definition of “at-issue” conduct. Pls. Omni Opp. §§ III.B, III.C.1.

TUSD has incurred at least \$543,331.60 in past expenditures for programs necessitated by Defendants’ conduct. Ex. 16 at 10-11. These include, but are not limited to:

- **Yondr Pouches (\$16,850).** Tucson High Magnet School piloted a Yondr pouch program in the 2019-2020 school year for select classes. Ex. 4 at 146:2-147:13; Ex. 30 at ¶ 20, App. C, Ex 1 p. 1; Ex. 16 at Rog 5 & Ex. 1, p. 4; Ex. 24 at -5587. Defendants’ conduct and student use of social media was the reason TUSD implemented the Yondr program. Ex. 25 at 41:19-43:16. TUSD did not implement the program district-wide due to financial constraints. Ex. 1 at 333:1-3.
- **Cellphone Lockers (\$16,101).** Sabino High School implemented a policy requiring students to put their phones in a locker every class period. Ex. 4 at 162:16-163:13; Ex. 30 at ¶ 20, App. C, Ex 1 p. 3; Ex. 16 at Rog 5, Ex. 1, p. 4; Ex. 26 at -9003. Sabino High School purchased the cellphone lockers and implemented its policy because of Defendants’ conduct. Ex. 25 at 43:17-44:3; Ex. 10 at ¶ 12 (installed lockers to physically remove the phone and access to social media from students because alerts prompted students to check social media instead of focusing on class).
- **Character Strong (\$242,856).** TUSD began using the Character Strong SEL curriculum in the 2020-21 school year. Ex. 2 at 360:16–20; Ex. 30 at ¶ 20, App. C, Ex. 1 pp. 1–2; Ex. 16 at Rog. 5 & Ex. 1, p. 4. As discussed herein, social media directly harms students’ emotional regulation and well-being, necessitating SEL programming.
- **Talkspace (\$231,021).** Talkspace is a digital platform that provides online mental health services for any student or family in need through TUSD’s partnerships with behavior health service agencies. Ex. 1 at 275:19-24. As detailed above, TUSD has seen students’ needs for mental health support increase due to the use and influence of Defendants’ platforms.

1 This is not an exhaustive list. For instance, TUSD also created the SEL & Development Department,
 2 including Director and Coordinator positions, to address the growing emotional and behavioral needs of
 3 students. Ex. 4 at 71:6–72:17, 73:18–74:25, 76:9–14. As Ms. Shivanonda testified, social media “directly
 4 impacts the social-emotional growth of students,” necessitating expanded SEL resources and staff. Ex.
 5 2 at 267:15–268:21.

6 Defendants’ claim that these costs are unrelated to their platforms ignores the record. The
 7 evidence demonstrates that Defendants’ conduct was a substantial factor necessitating each identified
 8 expenditure. Defendants also argue that TUSD cannot recover these costs because it cannot precisely
 9 isolate or proportionally attribute them among Defendants’ platforms. Mot. at 35-36. But that argument
 10 misunderstands both the evidence and the law. TUSD, like any school district, lacks access to students’
 11 personal devices and cannot track usage by platform. Ex. 4 at 96:25–97:13. Nonetheless, as shown above
 12 and in Plaintiffs’ omnibus opposition, §§ III.A.1–2, the record overwhelmingly demonstrates that
 13 TUSD’s harms specifically stem from Defendants’ platforms.

14 Defendants’ assertion that TUSD “admitted” it did not hire additional teachers or staff due to
 15 Defendants’ conduct, Mot. at 33, is misleading and contrary to the record. TUSD witnesses testified that
 16 the district needs more counselors, support staff, and site administrators but cannot afford to hire them
 17 due to funding limitations. Ex. 1 at 136:10–15, 139:8–10; Ex. 8 at 54:21–24, 73:25–74:8, 81:13–19; Ex.
 18 10 at ¶ 17; Ex. 20 at ¶ 19; Ex. 3 at ¶ 20; Ex. 18 at ¶ 20; Ex. 27 at –0519. The inability to hire needed
 19 personnel because resources are already strained by Defendants’ conduct is itself a compensable harm.

20 **C. Dr. Hoover’s Strategic Plan is an appropriate remedy under Arizona law.**

21 Defendants’ challenges to Dr. Hoover’s Strategic Plan and its role in addressing the harms caused
 22 by Defendants’ platforms are addressed in Pls. Omni Opp. § III.D and SD Daubert Opp. § III.F.
 23 Defendants’ conduct created and perpetuated a public nuisance by designing and marketing their
 24 platforms to students in ways that encourage compulsive use, despite knowing that their platforms were
 25 harmful to adolescents. This has fundamentally disrupted education and harmed the school environment
 26 and school districts, including TUSD. *See* Ex. 28 § IV; Ex. 29 at 6-12. The “manifestation” of that
 27 conduct is (1) student distraction and negative impact on student academic focus, learning, and
 28 performance; (2) a decline in student social skills and face to face interactions; (3) a negative impact on

1 teaching effectiveness, classroom dynamics, teacher morale, and job satisfaction; (4) disrupted student
 2 sleep; (5) increases in student anxiety, depression, self-harm and negative body image; and (6) an overall
 3 burden on constrained school resources. Ex. 28 § IV. Dr. Hoover's Strategic Plan targets these harms
 4 that Defendants' platforms have caused and are continuing to cause TUSD, by treating, reducing, and
 5 preventing their continuation.

6 This constitutes a proper abatement remedy under Arizona law.⁸ Arizona law imposes no
 7 requirement that abatement be physical. Defendants' cases confirm that abatement encompasses
 8 removing or remedying the source of harm, not merely for tangible nuisances. In *Cactus Corp. v. State*
 9 *ex rel. Murphy*, 480 P.2d 375, 378 (Ariz. Ct. App. 1971), the court affirmed removal of a harmful film
 10 from a drive-in theater. Here, TUSD similarly seeks removal of the harm to TUSD by preventing and
 11 mitigating ongoing and future harms caused by Defendants' platforms. *See* Ex. 28 § V; Ex. 29 at 12-43.
 12 In *Brown v. City of Phoenix*, 557 P.3d 321, 329 (Ariz. Ct. App. 2024), the court approved abatement
 13 through removal of the injury-causing property. Dr. Hoover's Strategic Plan similarly removes the
 14 cascading harms from the nuisance Defendants created—through interventions, training, and student
 15 support. Thus, under Arizona's broad conception of abatement, the Strategic Plan—aimed at preventing
 16 and mitigating the ongoing harms of Defendants' platforms—is a lawful and equitable remedy.

17 Defendants' arguments concerning the future damages embodied in Dr. Hoover's Strategic Plan
 18 are discussed in Plaintiffs' omnibus opposition § III.D. Finally, as explained in Plaintiffs' omnibus
 19 opposition § III.C.2, the plan addresses harms directly inflicted on TUSD itself.

20 **D. TUSD has sufficient evidence of Defendants' failure to warn.**

21 Plaintiffs' arguments that Defendant breached its duty to school districts by failing to warn
 22 students, parents, the public, and the Districts, including TUSD, are addressed in Plaintiffs' omnibus
 23 opposition § III.A.1. This duty is established under Arizona law.

24 **1. Evidence demonstrates TUSD would have acted on appropriate warnings.**

25 Defendants speculate that TUSD would have ignored any warning, pointing to the fact that its
 26 cellphone policy was not an outright ban. The record proves otherwise. TUSD has long restricted
 27

28 ⁸ Arizona does not limit nuisance to physical impacts on land. *See Brenteson Wholesale, Inc. v. Ariz. Pub. Serv. Co.*, 803 P.2d 930, 934 (Ariz. Ct. App. 1990) (citing Restatement (2d) of Torts § 821D).

1 cellphone use during school hours and at school-sponsored events, and in recent years implemented
 2 additional measures, including Yondr pouches, cellphone lockers, and clear-bag policies. Ex. 4 at
 3 146:22–147:8, 162:16–163:13.

4 TUSD witnesses explained that policy enforcement is constrained by funding and competing
 5 parental concerns about safety and communication. Ex. 4 at 169:15–170:10; Ex. 14 at 173:5–174:5; Ex.
 6 1 at 335:4–336:4; Ex. 7 at –7233-35. And with limited staff, an outright ban is impractical. Ex. 1 at
 7 336:11–337:22, 340:8–342:2. Nevertheless, TUSD has continually strengthened restrictions and
 8 mitigation efforts as it has become aware of the harms caused by Defendants’ platforms.⁹

9 Moreover, as Ms. Shivanonda explains, appropriate and timely warnings from Defendants would
 10 have prompted TUSD to act earlier and in ways not limited to stricter cell phone policies. With adequate
 11 warnings, TUSD could have, *inter alia*:

- 12 • developed parent, student, and staff education addressing healthy and balanced technology use;
- 13 • updated handbooks, digital citizenship curricula, and technology policies to reflect known risks
 14 and protective strategies;
- 15 • adapted counseling and wellness programs to monitor students exhibiting problematic use;
- 16 • trained educators to identify early warning signs of social media overuse and distress; and,
- 17 • worked with our community partners to offer preventive and responsive interventions.

18 Ex. 31 at ¶ 6. This rebuts Defendants’ speculation that TUSD would have failed to respond to warnings.

19 **III. CONCLUSION**

20 TUSD has raised sufficient evidence showing that Defendants’ conduct foreseeably,
 21 substantially, and unreasonably disrupted TUSD’s operations, diverted educational resources, and
 22 caused measurable harm. Genuine disputes as to causation and damages foreclose summary judgment,
 23 and TUSD is entitled to present its case to a jury.

24
 25
 26
 27 ⁹ Defendants argue that TUSD’s failure to warn claim is undermined by it not preventing students from
 28 accessing Defendants’ platforms on students’ personal devices. Mot. at 48. This is a red herring—
 TUSD has no means to dictate what students access when allowed on their personal devices.

1 Dated: November 7, 2025

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2
3 /s/ Austin Brane

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24
25
26
27
28

ATTESTATION PURSUANT TO CASE MANAGEMENT ORDER NO. 27

I attest that the evidence cited herein fairly and accurately supports the facts as asserted.

Dated: November 7, 2025

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via electronic mail on November 7, 2025, to Counsel for Defendants:

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